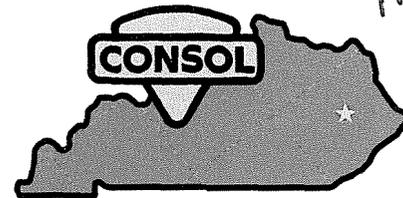


RECEIVED

OCT 1 2004

PUBLIC SERVICE
COMMISSION



CONSOL of Kentucky Inc.

Highway 550
P.O. Box 130
Mousie, Kentucky 41839
(606) 946-2472
FAX: (606) 946-3139

September 28, 2004

Executive Director
Public Service Commission
211 Sower Blvd.
P. O. 615
Frankfort, Kentucky 40602

Re: Doc. No. 2004-00329 CERTIFIED MAIL RETURN RECEIPT REQUESTED
 Knott County, Kentucky

Dear Director:

This letter is to make an official protest on behalf of CONSOL of Kentucky Inc., ("CKI") regarding the issuance of a permit to Bell South Mobility, LLC, d/b/a Cingular Wireless to construct a mobile telephone tower on property which we are currently permitting to mine. The reason for our Protest is that CONSOL of Kentucky has owned the coal beneath this surface in question for many years and are presently in the process of permitting and preparing to mine our coal. CONSOL's proposed mine plan is show on the map attached. The construction, at this time, of a telephone tower upon the surface which we have the right to mine is counter-productive and a hazard to the public.

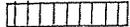
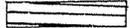
As you are aware the mineral estate in Kentucky is the dominant estate and CONSOL has a legal right to exercise its rights to remove its mineral.

We respectfully request and strongly encourage the Commission to deny or rescind any permit granted for a surface use until our mining operations are completed and or CKI has reached an agreement with Cingular Wireless regarding our coal that would be impacted by this tower.

If you have any questions please feel free to contact me.

Sincerely,

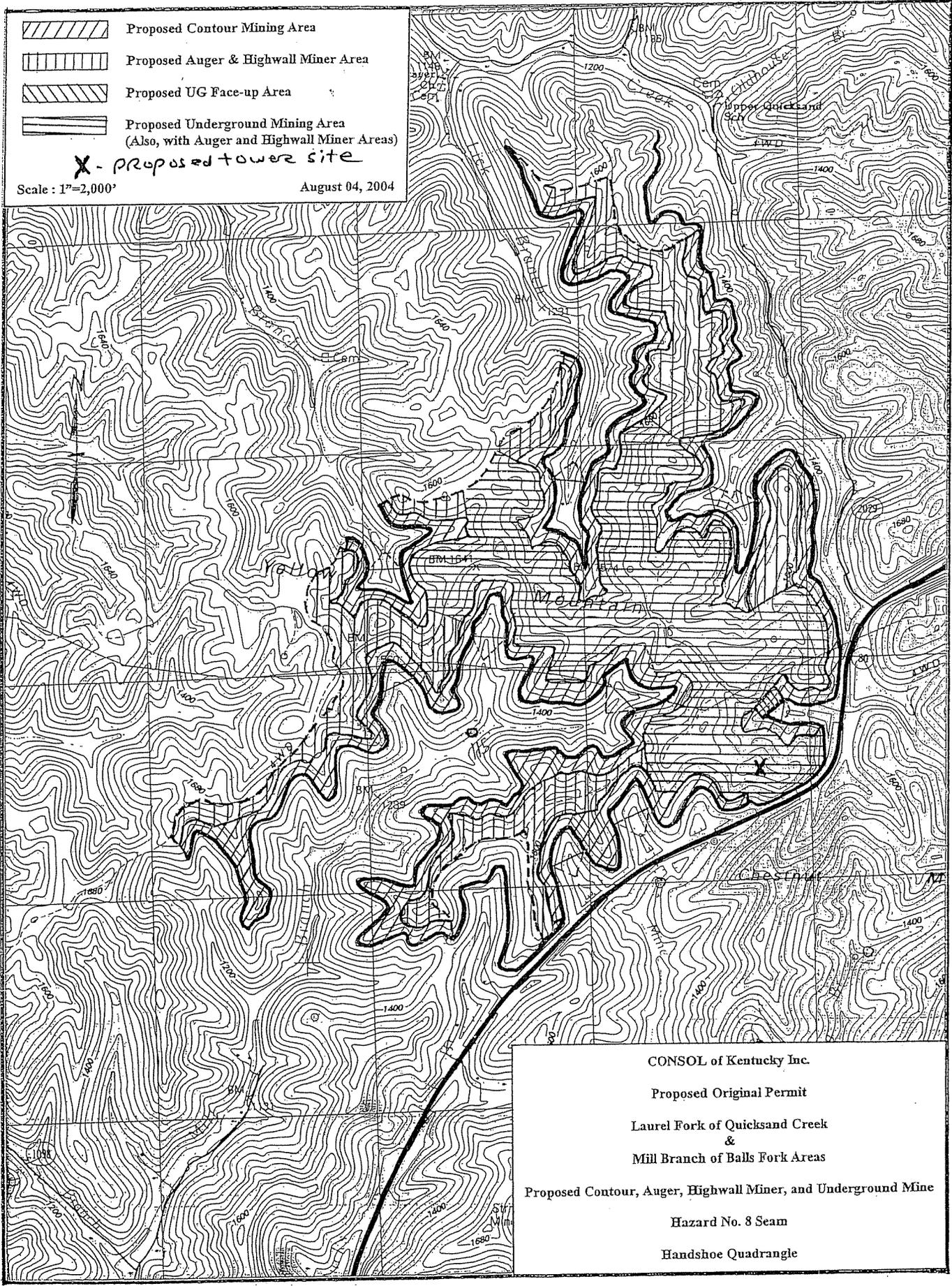
James O. Childers
Land Manager, CONSOL of Kentucky Inc.

-  Proposed Contour Mining Area
-  Proposed Auger & Highwall Miner Area
-  Proposed UG Face-up Area
-  Proposed Underground Mining Area
(Also, with Auger and Highwall Miner Areas)

X - Proposed tower site

Scale: 1"=2,000'

August 04, 2004



CONSOL of Kentucky Inc.
 Proposed Original Permit
 Laurel Fork of Quicksand Creek
 &
 Mill Branch of Balls Fork Areas
 Proposed Contour, Auger, Highwall Miner, and Underground Mine
 Hazard No. 8 Seam
 Handshoe Quadrangle

CONSOL of KENTUCKY Inc.
James O. Childers, Land Manager
P. O. Box 130
Mouise, Kentucky 41866-0130

RECEIVED

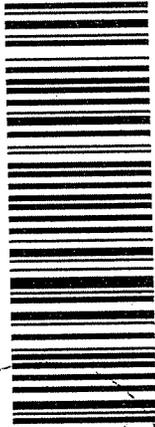
OCT 1 2004

PUBLIC SERVICE
COMMISSION

Ret Receipt Requested

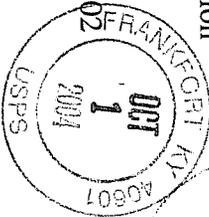
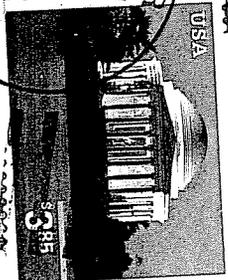
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. 615
Frankfort, Kentucky 40602

CERTIFIED MAIL



7001 1940 0000 2082 4338

SEP 30 2004 PM



40602+0615 07

